

**Members**

Sen. Richard Bray, Chairperson  
Sen. David Long  
Sen. John Broden  
Sen. Timothy Lanane  
Rep. Kathy Richardson, Vice-Chairperson  
Rep. Ralph Ayres  
Rep. Robert Kuzman  
Rep. Ryan Dvorak  
G. Michael Witte  
Larry Bye  
Chief Justice Randall Shepard  
Ron Tabacynski  
Jacqueline Rowan



# COMMISSION ON COURTS

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Commission

**Authority:** IC 33-23-10

## MEETING MINUTES<sup>1</sup>

**Meeting Date:** August 29, 2006  
**Meeting Time:** 1:30 P.M.  
**Meeting Place:** State House, 200 W. Washington St.,  
Room 431  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 1

**Members Present:** Sen. Richard Bray, Chairperson; Sen. John Broden; Sen. Timothy Lanane; Rep. Kathy Richardson, Vice-Chairperson; Rep. Ralph Ayres; Rep. Robert Kuzman; Rep. Ryan Dvorak; G. Michael Witte; Larry Bye; Chief Justice Randall Shepard; Jacqueline Rowan.

**Members Absent:** Sen. David Long; Ron Tabacynski.

Senator Richard Bray, Chairperson of the Commission on Courts (Commission), called the meeting to order at 1:39 p.m.

The first person to testify was Monica Hensley, Deputy Prosecuting Attorney for Switzerland County and President of the Switzerland County Bar Association. Ms. Hensley distributed a packet of materials to the Commission concerning the court system

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

in Switzerland County (Handout #1).

Ms. Hensley stated that Switzerland County and Jefferson County are part of a joint judicial circuit and share one judge and Switzerland County and Ohio County are part of a joint superior court and share one judge.

Ms. Hensley said that, because of the increasing caseload in Jefferson County, the joint circuit court judge is not able to devote as much time as he would like in Switzerland County. She stated that because of the caseload in Ohio County, the joint superior court judge was only able to spend three days a week in Switzerland County. Ms. Hensley said that the caseload was also increasing in Switzerland County.

Ms. Hensley continued by stating she felt the caseloads in Switzerland and these other counties indicated that Switzerland County needed to be in its own judicial circuit with its own circuit court judge and its own full-time prosecuting attorney. She said she felt the most recent Indiana Trial Courts Weighted Caseload Report indicated the same thing.

Ms. Hensley said preliminary inquiries indicated Switzerland County had both the space and the economic resources to support its own circuit court. She stated that, in addition to benefitting Switzerland County, a Switzerland circuit court would also benefit Jefferson County and Ohio County since those counties currently have to share judges with Switzerland County.

The next person to testify was Judge Ted Todd of the Jefferson-Switzerland Circuit Court. Judge Todd stated that he supported the creation of a judicial circuit for Switzerland County. He said having to share a judge and a prosecuting attorney was a burden on both Jefferson County and Switzerland County.

Judge Todd said his Jefferson County caseload had increased by over 50% since he became the joint circuit court judge in 1989. Judge Todd continued by saying that since Switzerland County now had a riverboat casino and was becoming a "bedroom community" for Louisville, Kentucky, and Cincinnati, Ohio, the caseload would continue to increase in that county as well. Judge Todd also said Switzerland County was the only county that does not have a judge residing within its borders. He said the creation of a circuit for Switzerland County would solve that matter.

In response to questions from Commission members, Ms. Hensley said that, if a judicial circuit was created just for Switzerland County, Switzerland County was not necessarily asking to remain in the Ohio County and Switzerland County joint superior court. She said there were several options available to deal with the relationships between counties that would remain in joint court situations if Switzerland County is placed in its own circuit. She also said Switzerland County "was open to suggestions" concerning these relationships.

The next person to testify was Judge James Humphrey of the Dearborn-Ohio Circuit Court. Judge Humphrey stated he was not against the creation of a judicial circuit for Switzerland County but was in favor of continuing the Dearborn-Ohio Circuit Court the way it is. He stated the Dearborn-Ohio Circuit Court had been in existence since approximately 1873 and "it works for us."

The next person to testify was Aaron Negangard, Prosecuting Attorney for Dearborn and Ohio Counties. He stated he was concerned about the implications for Ohio County if a new judicial circuit is created for Switzerland County. He stated that as a representative of both Dearborn and Ohio Counties, he believes the Dearborn-Ohio Circuit Court is

mutually beneficial to the citizens of both counties and he favors maintaining this system. He said this arrangement has provided an efficient use of government resources that is satisfactory to both counties.

The next person to testify was Judge John Mitchell of the Ohio-Switzerland Superior Court. Judge Mitchell said many attorneys in the area disagree with continuing the Dearborn-Ohio Circuit Court arrangement as it is. He stated that Dearborn County was growing so fast that the significance of Ohio County in the relationship was being reduced. He also said that because of the population differences, it was difficult to elect a judge or prosecutor from Ohio County.

The next person to testify was Dillon Dorrell, member of the Ohio County Council. Mr. Dorrell presented a letter to the Commission (Handout #2) signed by all the members of the Ohio County Council and the Ohio County Commissioners. He said that the letter states the Council member's and Commissioner's support for maintaining the Dearborn-Ohio Circuit Court system. He stated he is for the creation of a judicial circuit for Switzerland County, but it had been a "beautiful marriage" between Dearborn and Ohio Counties and wanted to see their joint circuit court system continue.

Senator Bray stated that, because of the complexity of the relationships between the court systems in Dearborn, Jefferson, Ohio, and Switzerland Counties, it is necessary to put all the various options involving the creation of a judicial circuit for Switzerland County on paper along with the fiscal impact for each option. Senator Bray said the Commission would then consider all these options at a future Commission meeting before deciding on a specific recommendation concerning the creation of a judicial circuit for Switzerland County.

The next person to testify was Mark Goodpaster, Senior Fiscal Analyst from the Legislative Services Agency Office of Fiscal and Management Analysis. Mr. Goodpaster presented a report to Commission members comparing projected and actual collections of the Judicial Salaries Fee and Court Administration Fee (Handout #3).

Mr. Goodpaster stated that the revenues collected for these fees were roughly 50% lower than projected. He attributed this overestimation in part to collection and remittance procedures at the local level. He noted that clerks in some entities submitted the fee revenue for the second half of Fiscal Year (FY) 2006 after the posting date for the end of the fiscal year. He also said that revenue collections for the second half of FY 2006 were significantly greater than the first half of FY 2006.

Chairman Bray asked whether the fee revenue was sufficient to cover the costs of the salary increases of both existing court officers and new courts that were created in 2005 and 2006. Mr. Goodpaster responded that the fee revenues were not likely to cover these additional costs and some additional revenue would have to come out of the State General Fund.

Lillian Judson, Executive Director of the Indiana Supreme Court Division of State Court Administration, then distributed copies of the Indiana Trial Courts 2005 Weighted Caseload Report to Commission members (Handout #4).

After Commission discussion, Senator Bray stated the next Commission meeting would take place on September 26, 2006, at 1:30 p.m. Senator Bray adjourned the meeting at 3:15 p.m.

